

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 746
Title 14, California Code of Regulations
Re: Procedures for License or Permit Revocations, Suspensions,
Reinstatements, Transfers or Waivers of Renewal Requirements Including
Hunting and Sport Fishing License or Permit Privileges

I. Date of Initial Statement of Reasons: January 9, 2006

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: November 3, 2005
Location: Santa Barbara

(b) Adoption Hearing: Date: April 7, 2006
Location: Monterey

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Current regulations in sections 745.5 and 746, Title 14, CCR, outline the procedures governing the revocation, suspension, transfer, reinstatement or waiver of renewal requirements for a license or permit, including hunting and sport fishing license or permit privileges.

Because of increasing requests to reschedule appeal hearings, the Commission is proposing to add a provision addressing "continuances" for appeal hearings.

In addition, the Commission is proposing to add a former Executive Director of the Commission to serve as a hearing officer.

(b) Authority and Reference Sections:

Authority: Fish and Game Code Sections 309 and 12155.5.

Reference: Fish and Game Code Sections 309, 7852.2, 8254.7, 8280.4, 8422, 8423.5, 8562, 8569, 12154, 12155, 12155.5, and 12156.

- (c) Specific Technology or Equipment Required by Regulatory Change: None
- (d) Identification of Reports or Documents Supporting Regulation Change: None
- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:
No public meetings are being held prior to the notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: No alternatives were identified.
- (b) No Change Alternative: If this change is not adopted, the procedures for filing a continuance of an appeal hearing will not be specified and the Commission would not be able to appoint a former Executive Director of the Commission as a hearing officer.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This proposal outlines the procedures to request a continuance of an already scheduled appeal hearing and will allow the Commission to appoint a former Executive Director of the Commission as a hearing officer.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Informative Digest/Policy Statement Overview

Current law (Sections 309 and 12155.5, Fish and Game Code) provides that the Commission has the authority to adopt regulations that afford procedural and substantive due process to any person whose license or permit is subject to revocation or suspension.

Current regulations in sections 745.5 and 746, Title 14, CCR, outline the procedures governing the revocation, suspension, transfer, reinstatement or waiver of renewal requirements for a license or permit, including hunting and sport fishing license or permit privileges.

Current regulations are silent concerning the issue of rescheduling of appeal hearings. Because of increasing requests to reschedule appeal hearings, the Commission is proposing to add a provision addressing “continuances” for appeal hearings.

Current regulations specify that the Commission’s president may appoint a Commissioner, the Commission’s legal counsel, or a member of the State Bar of California with at least ten years’ experience in the active practice of law and determined as qualified by the President, to serve as a hearing officer. The Commission is proposing to add a former Executive Director of the Commission to the list of persons who may be appointed as a hearing officer.